

## Politics in Iraq

This Interim Constitution of 1964 replaced the above-given 1925 statute. The Revolutionary Command council, however, replaced this Interim Constitution again. The Iraqi Government has not been able to provide us with a copy of the latest document. We hope to add that later as an updated supplement for our readers, shortly. They are requested to write to us or their agents in due course of time—Ed.

## The Interim Constitution of Iraq (1964)

In the name of God, The Beneficent, The Merciful.

In response to the desire of the people and the Armed Forces whose vanguards marched on the 18th of November 1963, to save the country from evils of deviation and party predominance, and complying with the spirit of the Revolution of that glorious day which is aiming to the realization of stability, security and providing equal opportunities for all citizens without discrimination because of race, origin or religion so as they should set out for fruitful endeavour, rectify social conditions, construct the virtuous society which enjoys prosperity, knowledge, culture and health, and endeavour to bring up the rising generations on principles of the Arab and Islamic spirit, devotion to homeland and the comprehensive unity;

We hereby proclaim this Interim Constitution in which principles of government have been defined and the individual relations with the State organized, to be implemented throughout the transitional period, which we hope will be short, till the promulgation of a Permanent Constitution in which the final judgment for settling the rule of the Republican Regime and its form will be to the people's seeking all the help of the most High Almighty God, following His Almighty saying, "and Consult them on the matter". May God grant us success.

### PART ONE

#### State

Article 1. The Republic of Iraq is a democratic, socialist State, deriving the principles of her democracy and socialism from the Arab Heritage and the Islamic spirit.

The Iraqi people is a part of the Arab Nation, looking forward to the comprehensive Arab unity which the government is bound to achieve as soon as possible, starting thus from the union with the United Arab Republic.

Article 2. The Iraqi Republic is a full Sovereign State. No part of her territories may be given up.

Article 3. Islam shall be the State religion and it is the fundamental basis for her constitution. Arabic is her official language.

## PART TWO

### Basic Foundations of the Society

Article 4. Social solidarity shall be the basic of the Iraqi society.

Article 5. Family shall be the basic unit of the society, whose principles are religion, morals and patriotism.

Article 6. The State shall secure equal opportunities for all Iraqis.

Article 7. The economic system in Iraq shall endeavour to achieve economic development and social justice which prohibit any sort of exploitation.

Article 8. The State shall steer the national economy in accordance with a comprehensive plan to be drawn by the law and within the framework of which private and public sectors shall collaborate towards promoting the economic development for raising production and the living standard.

Article 9. Natural wealth together with its resources and energies shall be the property of the State which shall properly dispose of them.

Article 10. Capital shall be employed for the service of the national economy; its employment methods shall never contradict the public benefit of the people.

Article 11. Public property shall be respected; its protection shall be an obligation of every citizen, for it constitutes a source of people's well-being and Homeland's strength.

Article 12. Private property shall be safeguarded; the law shall organize its social function, and it shall not be expropriated except for public utility, against just compensation in accordance with the law.

The right of inheritance shall be guaranteed in accordance with the provisions of the Islamic jurisdiction.

Article 13. The law shall define the maximum limit of agricultural property, in a way that shall not give rise to feudalism.

Article 14. The State shall encourage cooperation and preserve all forms of cooperative institutions.

Article 15. The State shall guarantee the support of the

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family, and protect maternity and childhood in accordance with law.

Article 16. The State shall guarantee the social security services, and Iraqis may enjoy the right to aid in cases of old-age, illness, inability and unemployment.

Article 17. Work in the Iraqi Republic shall be the right, duty and honour to every able citizen. The public appointments are responsibility entrusted to Government officials, who, by carrying them out, aim to render service to the people.

### PART THREE

#### Public Rights and Duties

Article 18. Iraqi nationality shall be defined by law.

Article 19. Iraqis shall be equal before the law. They are equal in regard to public rights and duties, and no discrimination shall be adopted among them because of race, origin, language or religion; and all citizens, Arabs and Kurds, shall cooperate in preserving the entity of this homeland. The Constitution shall admit their national rights within the Iraqi integrity.

Article 20. No offence and no penalty except by virtue of law. No penalty imposed except on the actions following the issue of the law in which they are prescribed.

Article 21. Penalty shall be personal.

Article 22. No one shall be arrested, or detained or imprisoned or searched except in accordance with the provisions of the law.

Article 23. The accused shall be regarded as innocent unless his conviction is proved by a legal trial through which he shall enjoy the necessary guarantees to exercise the right of defence in person or through agency.

Torment of the accused physically or morally shall be forbidden.

Article 24. Every accused for a crime, should have a defender to defend him in accordance with his agreement.

Article 25. Any Iraqi shall not be denied residence anywhere, and shall not be compelled to reside in a certain quarter unless under circumstances defined by the Law.

Article 26. Delivery of political refugees is prohibited.

Article 27. Dwellings shall be safeguarded, and shall never be entered except in such circumstances and in such manner as prescribed by law.

Article 28. Freedom of religions shall be safeguarded. The State shall protect the freedom of practising their rites, provided that these do not conflict with public discipline or contradict with morals.

Article 29. Freedom of opinion and scientific research shall be guaranteed. Every person shall have the right to express and publish his opinion orally or through writing or sketching or by other means etc., within the limits prescribed by law.

Article 30. Freedom of press, printing and publication is guaranteed within the limits of law.

Article 31. Freedom of forming societies and trade unions through legal methods and on national principles, is guaranteed within the limits of law.

Article 32. Iraqis, unarmed, may hold meetings, quietly without a prior notice. Public meetings, festivals and groupings are permitted within the limits of law.

Article 33. Education is a right of all Iraqis guaranteed by the State through the construction and expansion of different types of schools, universities and cultural and educational institutes. The State shall pay special attention to the physical, mental and moral growth of youths.

Article 34. The State shall supervise public education which shall be free through all stages of government schools, universities and institutes. Public education affairs shall be organized by law.

Article 35. The State shall guarantee equitable treatment for all Iraqis in accordance with the work they achieve, through defining working hours, wages, social insurance, health security and unemployment guarantee, and organizing the right of rest and leaves.

Article 36. Health preservation is a right of all Iraqis, guaranteed by the State through the construction and expansion of all sorts of hospitals and health institutions.

Article 37. Defence of the homeland is a sacred duty. The national military service is an honour for all Iraqis, and conscription shall be compulsory in accordance with the law.

Article 38. Payment of taxes and public expenses is an honourable duty. No tax or duty may be imposed or exempted to anybody thereof except in accordance with law.

Article 39. Election is a right of Iraqis in accordance with law: their participation in public life is a national duty for them.

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## PART FOUR

## Regime of Government

## CHAPTER I—PRESENT OF THE STATE

Article 40. The President of the State shall be President of the Republic. He shall assume his powers in the manner prescribed by this Constitution.

Article 41. It is provided that the President of the Republic should be an Iraqi, of Iraqi parents belonging to a family living in Iraq since 1900 at least—throughout which period the family should have held Ottoman Nationality—He shall be a Moslem who adheres to the religious rites, and who shall be no less than 40 years of age, enjoying full political and civil rights, not married to a foreigner, while the Arab woman whose parents are Arabs shall be considered Iraqi for this purpose.

Article 42. The president of the Republic shall swear the following oath before assuming his duties, in the presence of the National Council of the Revolutionary Command and the Council of Ministers together :

“I swear by God the Great that I shall be faithful to my religion, homeland and nation, and shall endeavour to preserve the Republican Regime, respect the Constitution and the law, and render full patronization of the people's interests and protect the country's independence and the homeland's security”.

Article 43. The president of the Republic shall appoint the Prime Minister, vice premiers and ministers, and accept their resignations or relieve them from their portfolios.

Article 44. The President of the Republic shall approve laws, regulations and cabinet's decisions.

Article 45. The President of the Republic shall approve and ratify international treaties and agreements.

- Article 46. (a) The President of the Republic shall appoint the officers and place them on pension in accordance with the law.
- (b) The President of the Republic shall appoint civil officials, judges, Qadhis and political representatives in accordance with law.
- (c) The President of the Republic shall accredit the representatives of foreign countries and international bodies to the Iraq Republic.

Article 47. The President of the Republic is the Commander-in-Chief of the Armed Forces.

Article 48. The President of the Republic may declare martial law and emergency conditions after the approval of the National Council of the Revolutionary Command.

Article 49. The President of the Republic may declare war and accept truce and reconciliation after the approval of the National Council of Revolutionary Command and the Council of National Defence.

Article 50. The President of the Republic shall form a National Defence Council which he shall preside over, and whose powers shall be defined by the law.

Article 51. The President of the Republic, in case of actual or probable public danger which endangers the security and tranquility of the country, may, upon the agreement of the National Council of the Revolutionary Command, issue decrees which have the effect of laws, to protect the entity, security and tranquillity of the Republic.

Article 52. Execution of death sentence shall only be carried out upon the ratification of the President of the Republic who may commute or cancel the sentence by special amnesty; general amnesty shall only be declared by law.

Article 53. Upon leaving the country or failing to exercise his powers for any reason the President of the Republic shall form a Republican Council comprising of three members of the National Council of the Revolutionary Command, for whom he shall define the powers which he deems necessary by a Republican Ordinance.

Article 54. If the President of the Republic submits his resignation from his post, he shall address the letter or his resignation to the National Council of Revolutionary Command, who together with the Council of Ministers and the National Defence Council shall hold a joint meeting under the Chairmanship of the Prime Minister to decide upon accepting or rejecting the resignation by a majority of two-thirds of the total number of members.

Article 55. Upon vacancy of the Presidential position for any reason, the National Council of Revolutionary Command, Council of Ministers and National Defence Council shall hold joint meeting under the Chairmanship of Prime Minister, to elect a president of the Republic by a majority of two-thirds

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of total members, within a period not exceeding a week from the vacancy date of the post, provided that the new President shall be elected from among the members of the National Council of Revolutionary Command.

Article 56. During the period of vacancy of the post of President of the Republic, the Prime Minister shall continue exercising his powers, and shall have no right to exercise the powers of the President of the Republic.

Article 57. The law shall define the salary of the president of the Republic and amendment thereof shall not be effected during the presidency term in which the amendment is decided.

Article 58. The President of the Republic shall not practise during his Presidency term a free profession or a commercial, financial, industrial or any other economic work, or buy or hire any of the state property, or sell or lease any of his property or barter his own for hers.

Article 59. The President of the Republic, with participation of the government, shall draw the general policy of the State in all aspects the military, political, economic and social fields, and shall supervise its execution.

Article 60. The President of the Republic shall not be held responsible for action of his post, except in cases of violation of the Constitution or of high treason. As relating his responsibility for public crimes they shall be subject to ordinary laws. He shall not be accused for these crimes or for the violation of the Constitution or high treason, except by the National Council of the Revolutionary Command, upon a decision by a majority of two thirds of the total of all members. Only a special court may try him in the manner defined by the law.

## CHAPTER II—THE LEGISLATURE

Article 61. Parliament is the body which shall exercise Legislative power.

Article 62. Parliament shall be composed of members elected through public secret elections. Number of members, method and principles of election and voters recalling shall be defined by a law to be promulgated at least six months before the termination of the transitional period.

Article 63\* (a) A Consultative Council shall exercise the

\*Substituted by the Amendment of 3rd of March, 1965.

Legislative powers during the transitory period; its headquarters shall be in Baghdad; the number of its members, the conditions of membership and the manner of the members, appointment, their allowances, the powers of the Council and the way of exercising the same shall be defined by law.

- (b) The Consultative Council, immediately at its first session, shall take over the legislative powers entrusted by the Interim Constitution to the National Council of the Revolutionary Command and the Council of Ministers.
- (c) The National Council of the Revolutionary Command and the Council of Ministers shall continue their exercising the Legislative Powers until the Consultative Council holds its session.
- (d) The Consultative Council shall draw up the draft of the permanent Constitution provided that it shall be submitted to the elected Chamber of Deputies in its first session to decide on it.

### CHAPTER III—EXECUTIVE POWER

First : President of the Republic,

Article 64. The President of the Republic shall undertake and exercise the executive power in the manner defined by the Constitution.

Second : Government

Article 65. The government is the highest executive and administrative body of the State.

Article 66. The government shall be composed of a Prime Minister, Vice Premiers and Ministers; the Prime Minister shall direct the government affairs and preside over the Council of Ministers.

Article 67. The government shall undertake the execution of the general policy of the State in accordance with laws, regulations and republican ordinances, and shall exercise all the powers required thereto.

Article 68. The government shall undertake the organization and implementation of economic, cultural, social and health tasks which lead to raising the living standard and people's well-being, for constructing the virtuous society. The government shall adopt a sound foreign policy.



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Article 69. The government shall exercise the following powers :—

- (a) Directing, coordinating and revising the actions of the ministers and public bodies and administrations.
- (b) Issuing administrative and executive decisions in accordance with laws and regulations, and supervising their execution.
- (c) Preparing drafts of law and regulations.
- (d) Appointing, dismissing, discharging and placing on pension officials in accordance with law.
- (e) Preparing the general Budget of the State and budgets annexed to it.
- (f) Preparing the general plan of the State for promoting the national economy, and taking the necessary measures to execute them in accordance with the law.
- (g) Supervising the organization and management of monetary systems, insurance and securities activities of the State.
- (h) Concluding and extending loans within the framework of the general policy of the State.
- (i) Supervising all semi-official administrations, government companies and institutions of public utility.
- (j) Supervising and following up execution of laws, regulations, decisions and republican ordinances, preserving the State security and protecting citizens' rights and state interests.
- (k) Supervising activities of ministries, administrations, public and local bodies. The government may cancel or amend her inconvenient decisions in the way defined by the law.

Article 70. An authority for general financial supervision shall be established in Iraq Republic. The authority's formation, principles and rules of its undertaking supervision and controlling activities shall be organized by the law.

Article 71. Deliberations of the Council of Ministers shall be secret, decisions shall be taken by a majority of the members present who shall constitute a majority and by their approval if the voting is equal, the side including the Prime Minister shall have a casting vote and its decisions shall be binding to all members.

Article 72. A person to be appointed as Prime Minister, Vice Premier or Minister must be Iraqi and of Iraqi parents descending from a family living in Iraq since 900 at least, and holding an Ottoman nationality prior to that date; not less than 30 years old and enjoying full civil and political rights; not married to a foreigner; (Arab woman descending from Arab parents shall be considered as Iraqi for this purpose).

Article 73. Members of the government shall swear the following oath before the President of the Republic and before assuming their duties: "(I swear by God the Great that I shall be faithful to my religion, homeland and nation, preserve the Republican Regime, respect the Constitution and law, fully look after people's interests and protect the country's independence and the homeland's security.)"

Article 74. Prime Minister, Vice Premiers or Ministers shall not during the term of their office, exercise a free profession or commercial, financial, industrial or economic work, or buy or hire any State property, or sell or lease to her any of their property, or barter their property for hers.

Article 75. The President of the Republic, or the Prime Minister by the approval of the President of the Republic, may refer a Minister to trial for crimes committed by him while carrying out his duties, in the manner defined by law.

Article 76. Resignation or relieve of Prime Minister shall imply the resignation of all Ministers.

#### Third : Armed Forces.

Article 77. Iraq Republic Armed Forces are the property of the people, and they are their means for protection and security of homeland, safeguarding its territories and preservation of national integrity.

Article 78. The State alone shall establish the Armed Forces which comprise army, police forces, security and guard.

Article 79. No body or group shall establish military or semi-military formations.

Art. 80. Public mobilization (call up) shall be organized in accordance with law.

Article 81. Law shall define the conditions of service and

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promotion for Armed Forces officers.

Article 82. No member of the Armed Force shall join a party or political faction. Spreading political and party ideas in the ranks of the Armed Forces by means is absolutely forbidden.

## Fourth : Local Administration.

Article 83. Iraq Republic shall be divided into Administrative units to be organized and administered in accordance with law.

Article 84. Bodies representing administrative units shall be in charge of all affairs of the units they represent, and shall participate in the implementation of the general plan of the State; they may initiate and manage economic, social, health and educational projects and institutions, in accordance with law.

## CHAPTER IV—THE JUDICATURE

Article 85. Judges and Qadhis are independent and shall only be ruled, in their activities, by the law, and no power shall ever interfere in the independence in judicature or justice affairs. Judicial power shall be organized by law.

Article 86. The law shall arrange the order of divisions and grades of courts, and define their jurisdictions.

Article 87. Courts sessions shall be public except if they are deemed by the court to be in secret in compliance with general discipline or morals.

Article 88. Judgements shall be announced and executed in the name of the people.

Article 89. Judges and Qadhis may not be dismissed; and that is as prescribed by law.

Article 90. Law shall define the conditions of appointment, transfer and discipline of Judges and Qadhis.

Article 91. Law shall organize the post of General Prosecutor, his assistants and powers.

Article 92. Appointment of General Prosecutor, his assistants, discipline and their dismissal shall be in accordance with law.

Article 93. State Council shall be formed by law, and shall undertake administration of judicature, and formulating, revising and explaining laws and regulations.

## PART FIVE

## General Provisions

Article 94. The city of Baghdad is the capital of Iraq Republic.

Article 95. Law shall define the national flag and provisions thereof, also the State emblem and provisions thereof shall be defined by law.

Article 96. Provisions of laws shall be valid from the date of their enforcement; and they shall have no retroactive effect, yet it may be—other than in criminal matters—provided otherwise by law.

Article 97. Laws shall be published in the Official Gazette and become effective from date of their publication unless otherwise stated.

#### PART SIX

##### Transitional Provisions

Article 98. Decisions, Notifications, Order and Decrees issued by the President of the Republic or the Head of the National Council of Revolutionary Command or Commander-in-Chief of the Armed Forces, in the period from 18th November, 1963 shall have the force of law from the date of their issue, and thus shall cancel all contradictory provisions of laws which were effective prior to their issuance. They shall never be cancelled or amended except in the manner defined by this Interim Constitution.

Article 99. Legislations which were in force prior to the issue of this Interim Constitution shall be valid, and they shall not be repealed or amended except in the manner defined by this Interim Constitution.

Article 100. On enforcement of this Interim Constitution, the present President of the Republic shall take the oath mentioned in Article (42) before the National Council of the Revolutionary Command together with the Council of Ministers.

Article 101. The present president of the Republic shall continue exercising functions of his offices till the President of the Republic is elected in accordance with the provisions of the Permanent Constitution.

Article 102. The transition period shall not exceed three years, commencing from the execution of this Interim Constitution.

Article 103. The Interim Constitution dated 27th of July, 1958 shall be repealed.

Article 104. This Interim Constitution shall be valid until the permanent Constitution to be promulgated by the Parliament or the rising of State of unity.

Article 105. This Interim Constitution shall come into force with effect from the date of its publication in the official Gazette.

Article 106. The Minister of State is charged with the execution of this Constitution.

Made at Baghdad this 17th day of Thil Hijja, 1383 and the 19th day of April, 1964.

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